



Tapu!tea

...ina ia manino le folauga.

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OFFICIAL AMERICAN SAMOA GOVERNMENT WEEKLY NEWSLETTER

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TWO NEW ADDITIONS TO ATTORNEY GENERAL'S STAFF

By AG's Staff

Assistant AG Valerie McGuire graduated from the University of California at Santa Cruz with a double major in Environmental Studies and Politics. She then attended law school at the University of California at Berkeley, where she was the Editor in Chief of the Journal of Employment and Labor Law, and served on the Steering Committee of the Boalt Hall Women's Association.

Prior to becoming an Associate Attorney General in American Samoa, Ms. McGuire worked in Maui, Hawaii, at Krueger and Wong, a Maui personal injury firm. Prior to that, Ms. McGuire worked at Brayton Purcell in Novato, California. Ms. McGuire had a general civil litigation practice in Santa Cruz, California for fifteen years. Her practice emphasized plaintiffs personal injury and worker side employment law. She also served as general counsel for the Santa Cruz Firefighters Union, the Santa Cruz Communications Workers of America, and the Santa Cruz County Central Labor Council. In her private practice, Ms. McGuire was lead counsel in numerous jury trials, winning six and seven figure jury verdicts for her clients.

Ms. McGuire was president of the Maui branch of the American Association of University Women and is a member of Consumers Attorneys of California; California Women Lawyers, (former statewide director); and President Emeritus of the Santa Cruz Women Lawyers Association. She has sat as judge pro tem in Municipal and Superior Court, and has been a court appointed mediator, arbitrator, and special master. Ms. McGuire has done extensive appellate work, both state and federal.

Ms. McGuire founded Community Resources for the Disabled, a nonprofit agency supplying resources to the Santa Cruz and Monterey County disabled community. She served on the Board of Directors for five years, and as interim Executive Director. She is a former personnel commissioner for the City of Santa Cruz School District, and served on the Board of Directors for Shakespeare Santa Cruz; Santa Cruz Legal Aid Society, and Santa Cruz Family Services.

Prior to becoming an attorney, Ms. McGuire was a labor organizer for the International Typographical Union. She also served as President of the ITU Local 539 in Santa Cruz, California. Ms. McGuire successfully organized several newspapers and printing plants in Minneapolis, Minnesota, and Santa Cruz, California.

Ms. McGuire is married, with two grown children, one of whom is also an attorney, and the grandmother of two perfect grandchildren.

Assistant AG Fa'amomoi P. Masaniai, Jr. is blessed to return to the land of his father and family to serve as one of the Assistants to the Attorney General.

His humble beginnings began in the village of his ancestors, Vatia, American Samoa. The family then relocated to San Francisco, California, where there goal was to begin a new way of life and seek the American Dream.

In 1984, he moved to Seattle, Washington to pursue greater educational choices. Fa'amomoi lived in a very modest home with his auntie and attended Evergreen High School. There were only 10 Samoan kids in Evergreen High School when he attended. Today, the student body is primarily Samoan. After high school, he attended Washington State University majoring in Criminal Justice. He was also fortunate to play football there. In May of 1992, he earned his Bachelor of Arts degree.

After college, he entered the work force and began working with the Judges in the Seattle area as a court clerk. Upon persistent requests by the same judges, Fa'amomoi applied and was accepted and admitted into law school. Four years later, He graduated and took the bar exam and successfully passed.

"For the past five years, I have worked as a public defender for over nine local cities in the Seattle/Tacoma area. It has always been my goal to help people overcome the obstacles they have in life through education and knowledge. I still have that goal today, but now, as one of the Assistants to the Attorney General, I wish to help the Samoan people. I thank the Attorney General and the Samoan people for this opportunity and ask God to assist us on our new journey together. Where one succeeds, we all will succeed", asserted Assistant AG Fa'amomoi Masaniai Jr.

HISTORICAL NOTES

By: Stan Sorensen, Historian, Office of the Governor

On January 10, 1914, the Department of Public Health was established in American Samoa, and was headed by "the Senior Medical Officer of the United States Naval Station, Tutuila."

On January 10, 1915, the Manu'a hurricane destroyed the Papatea School, which was one of American Samoa's first public schools. (It was rebuilt and reopened in April, 1920).

On January 10, 1920, Commander Warren Jay Terhune, Governor of American Samoa, visited Rose Atoll and erected a concrete monument with the inscription: "Rose Island, American Samoa, Trespassing prohibited. Warren J. Terhune, Governor, Jan. 10, 1920."

On January 11, 1938, Pan American World Airways' *Samoan Clipper* (a Sikorsky S-42B flying boat, piloted by Captain Edwin Musick) exploded northwest of Tutuila, at 14 degrees 8 minutes South Latitude and 170degrees 51 minutes West Longitude, shortly after taking off from Pago Pago Harbor. The explosion occurred when one of the *Clipper's* engines developed an oil leak. In order to lighten the airplane and make a safe landing, Captain Musick decided to jettison his excess fuel. His last message, at 8:27 a.m., said "We are going to dump gas and we can't use the radio during the dumping. Stand by." The fuel apparently streamed over the lowered flaps and struck a hot exhaust manifold, thus igniting and causing the airplane's fuel tanks to explode. Samoan *fautasi* and the seaplane tender USS *Avocet*, sent to look for survivors, found none: only an oil slick, and some uniform coats and pieces of aluminum floating on the water. (Responding to angry complaints by Pan Am pilots following the *Samoan Clipper's* loss, the Sikorsky Aircraft Company extended the length of the dump valves on all S-42s, so that dumped fuel would not be deflected into the engine exhaust manifolds by the flaps).

On January 11, 1942, at 2:26 a.m., "a Japanese submarine surfaced about 10,000 yards off the north coast [of Tutuila] between Southworth Point and Fagasa Bay," and fired about fifteen projectiles from its 5.5-inch deck gun at the U.S. Naval Station Tutuila over a period of approximately ten minutes. The first shell struck the rear of the store of Frank Shimasaki, one of Tutuila's few Japanese residents. The store was closed at the time, as Mr. Shimasaki was interned because of his 'foreign background.' The next one inflicted slight damage on the naval dispensary, the third landed on the lawn behind the naval quarters known as "Centipede Row," while the fourth hit the stone seawall outside the customs house. The others fell harmlessly into the harbor. "The fire was not returned, notwithstanding the eagerness of the Samoan Marines to test their skill against the enemy....No American or Samoan Marines were wounded." Commander Edwin B. Robinson, who was bicycling behind Centipede Row, was wounded in the knee by a piece of shrapnel and "a member of the colorful native Fita Fita Guard" received minor injuries; they were the only casualties. This was the only time that the Japanese attacked Tutuila during World War II, but "Japanese submarines did patrol the waters around Samoa prior to the attack on Pearl Harbor, and were active in the area throughout the war."

On January 15, 1936, Lieutenant Commander Thomas Benjamin Fitzpatrick relieved Captain Otto Carl Dowling and began his six-day term as American Samoa's 24th naval governor (acting: until January 20, 1936).

On January 15, 1938, a memorial service for Captain Edwin Musick and the crew of the *Samoan Clipper* was held aboard MV *Matua*, a ship belonging to the Union Steamship Company of New Zealand. The *Matua's* log book recorded the occasion as follows: "3.52 pm.Rang Stand By -- 3.56 pm.Stop. -- 4.00 pm. Smooth sea, mod. Nthly. Swell, Fine & Clear. --

Memorial service for crew of Pan-American flying boat "Samoan Clipper" held over spot where flying boat crashed and sank with all hands at 9am. 11th.Jan.1938. -- Lat. 14.08 S. -- Long. 170.51 W. -- 4.12 pm.Full Speed." -- A "giant orchid wreath was prepared for the memorial service" by the people of Tutuila, and was dropped into the ocean at the crash site."

On January 15, 1944, the First Samoan Battalion, U.S. Marine Corps Reserve was disbanded, and its personnel were assigned to the Marine Barracks at the U.S. Naval Station Tutuila. The battalion's strength was "9 Marine officers, 1 Navy officer, 32 American Marines and 494 Samoan Marines."

On January 16, 1888, "Asi of Vaimauga, Mauga Manuma of Pago Pago and Tuiletufuga of Apia" were exiled by the Germans to Jaluit in the Marshall Islands as associates of Malietoa Laupepa, who had been exiled the previous September.

On January 16, 1891, on Tutuila, the United States Government purchased "Parcel No. 1," "The Goat Island area, 1 rod, 1 perch....from natives....for the sum of \$214.29."

On January 16, 1903, each *matai* who signed the Deed of Cession of Tutuila received a watch, a medal and a diploma from President Theodore Roosevelt.

On January 17, 1987, Hurricane "Tusi," a "howling hurricane that destroyed virtually 100% of the structures in Faleasao, Fitiuta and Sili, [and] 90% of the structures in Ta'u and Ofu and half of those in Olosega" ripped through the Manu'a Islands, but avoided Tutuila.

On January 18, 1987, Samoa Air commenced operations at the Pago Pago International Airport as a commuter airline, flying De Havilland *Twin Otter* aircraft to Manu'a, Western Samoa and Niue, under the direction of James and Constance Porter of Anchorage, Alaska.

On January 20, 1936, Captain MacGillivray Milne relieved Lieutenant Commander Thomas Benjamin Fitzpatrick and became American Samoa's 25th naval governor (until June 3, 1938).

On January 22, 1989, in Super Bowl XXIII at Joe Robbie Stadium in Miami, Florida, San Francisco 49ers left guard Jesse Sapolu of Honolulu, Hawaii (No. 61; born March 10, 1961; attended the University of Hawaii) became the fourth Samoan member of a Super Bowl team, and the third Samoan to play in a Super Bowl. Final score; 49ers 20, Bengals 16.

ASG RADIO PROGRAM

With:

Governor Togiola Tulafono

Saturdays @ 7a.m.

On: Showers of Blessings - FM 104.7

Call 699-8123 or 699-8124

SHARE IMPORTANT ACTIVITIES

with our ASG workforce

as well as the citizens of American Samoa.

Email your articles, announcements, pictures or other information to:

tapuitea@amsamoa.gov.as

Or Contact:

Harry Stevens @733-1694 or Vince Iuli @ 733-1041

Overview of the Piggery Compliance Program

By: Barbara Zennaro

Environmental Scientist, GIS Specialist

American Samoa Environmental Protection Agency

Piggery waste in American Samoa has been largely uncontrolled, resulting in large volumes of untreated pig urine and feces contaminating drinking water, streams and near-shore ocean water. The impacts of pig waste on human health and water quality are now critical and illness and death due to pig-related disease is documented. In April 2006, the American Samoa Environmental Protection Agency (ASEPA), in collaboration with other Agency (Land Grant, DOH, DOC) launched the "Piggery Compliance Program", with the goal to educate piggery owners on safe practices for compliant piggeries and to regulate illegal pig waste. During the first phase of the program, trained educators and surveyors formed "Team Lepto", visited all AS villages and located 997 piggeries. Data about the piggery owner and the piggery itself were collected and entered into a geodatabase. Results showed that 92% of the piggeries were not compliant with existing laws. For example, 82% of the piggeries discharged waste directly to the stream, used an open-bottom cesspool, or had an improperly constructed septic tank. During Phase II (in progress), qualified ASEPA staff will revisit all piggeries and enforce the pertinent laws. Priority will be given to those piggeries that pollute streams in highly populated villages, such as Nuu'uli or Tafuna, and therefore represent a major health risk.

Contact Eric Hanson (e.hanson@ascc.as) or Fred Brooks (f.brooks@ascc.as) at 699-1575 for more information.

DEVELOPMENT BANK OF AMERICAN SAMOA

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY. EDRLF BUSINESS LOAN PROGRAM

The Development Bank of American Samoa (DBAS) announces the availability of funding of approximately \$550,000.00 under the Economic Development Revolving Loan Fund (EDRLF) administered by the bank under the supervision of the Department of Commerce of the American Samoa Government for business loans. DBAS encourages new or existing businesses with sound business plans in the following sectors to apply for loan funding:

- Tourism
- Fisheries/Fish Processing
- Health Care Services/E-Commerce
- Manufacturing
- Information Technology Services
- Air Transportation/Trans-shipment

The maximum amount of loan funded under this program is \$100,000.00 at an interest of 9.00% per annum for a maximum term of 7 years. The public is requested to contact Ms. Shirley Fruen at 633-4031 during business hours regarding application forms and more information about this program.

FAASILASILAGA

TUPE MO NONOGA TUPE MO PISINISI E ALA MAI POLOKALAMA FETURALE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (EDRLF)

Ua iai nei ile Faletupe o Atina'e o Amerika Samoa se vaega tupe e tusa ma le \$550,000.00 o loo avanoa mo pisinisi fou, poo pisinisi o 100 iai I le taimi nei ae o 100 lelei lona faagaioiga I vaega uma faapisinisi I lalo o polokalama mai I le feturale ua faaigoaina o le Economic Development Revolving Loan Fund (EDRLF). O 100 ala mai lea vaega tupe I lalo o le Ofisa o Fefaatauaiga ole Malo o Amerika Samoa.

E avatu ai le fautuaga I pisinisi fou faapea fo'i pisinisi o 100 iai I le taimi lenei ae o 100 lelei lona faagaioiga I vaega uma faapisinisi e tusa ai ma le lisi o I lalo ifo:

- Turisi
- Fagotaga / Gaosiga o I'a
- Fatuoiga I Soifua Maloloina
- Kamupani Gaosi Mea
- Agavaa I Fesootaiga I Masini Kamipiuta
- O Meli e Ave pe Aumai I Vaalele poo Vaa oloa

Ole maualuga o se nonoga tupe e mafai ona maua I lalo o lenei polokalama e \$100,000.00 ma lona pasene 9% mo le 7 tausaga.. Mo nisi faamatalaga auiliili o lenei polokalama, faamolemole faafesootai ia Shirley Fruen 633-4031.



ASPA ADOPTS EMERGENCY RULES LOWERING ELECTRIC RATES FOR MOST CUSTOMERS

Fepulea'i Afa Ripley, Jr., Chairman of the ASPA Board of Directors, announced today that "The American Samoa Power Authority adopted emergency rules regarding electric rates that will become effective immediately. ASPA adopted the emergency rules to correct and preempt any potential issues with the way in which the current rules were adopted." Under the emergency rules, electric rates for residential and small commercial customers will decrease slightly, while large commercial and industrial customers will experience a slight increase in overall electricity costs.

ASPA board members and management recently learned that the current electric rate schedule was not implemented in accordance with the Administrative Procedures Act ("APA"), as required by law. In fact, ASPA's investigation into the matter revealed the existence of several different rate schedules, only one of which was enacted pursuant to APA guidelines. Under that rate schedule, implemented in 1987, *all* classes of consumers—residential, small commercial, large commercial and industrial—paid significantly higher electric rates than they do under the current rate schedule. The problem, however, is that while customers enjoy a significant savings under the current rate schedule, that schedule was never properly enacted, and is invalid.

This current dilemma leaves ASPA with two choices: revert to the properly implemented 1987 rate schedule, or adopt emergency rules pursuant to APA authority to correct the problem. Reverting to the 1987 rates would require ASPA to raise electric rates for all customers – as much as 15% for residential customers and almost 30% for industrial customers. ASPA does not consider significantly increasing rates for all customers an option.

Accordingly, ASPA today announced that it has adopted emergency rules for electric rates pursuant to the APA. Under the emergency rules, residential and small commercial owners—who represent over 99% of ASPA customers—will enjoy a slight reduction in their electric costs, while large commercial and industrial customers—who represent less than 1% of all ASPA customers—will experience a slight increase in overall electric costs. The new rates, which are effective immediately, will apply to the customers' January 2007 usage and will appear on the customers' February 2007 billing statement. The rates will remain in effect for 120 days, during which time ASPA will seek to adopt the emergency rules in accordance with the Administrative Procedures Act. Within this period, ASPA will provide the public notice of the rules and afford an opportunity for comments before any rates are finalized.

In summary, Board Chairman Ripley said that: "It is important for ASPA to pass the emergency rules so that ASPA can comply with Titles 15 and 4.10 of the American Samoa Code. The emergency rules will ensure that the rates charged to customers have been adopted in accordance with the law." The Chairman went on to stress that electric rates for almost every ASPA customer will go down under the emergency rules. "ASPA will continue to provide its customers with the lowest possible electric rates."

ASPA GENERATION DIVISION MOBILIZES TO INSTALL NEW GENERATOR IN AUNU'U

History was made in Aunu'u this past Sunday, January 7, when ASPA Generation Division installed a new 125 kVA Olympian Generator in preparation for the children returning to School this past Monday. From 6:00 am to 7:30 pm, about 20 of the Power Generation Division staff all headed to Aunu'u when the villagers were preparing for usual Sunday schedule. This was an unusual schedule for ASPA Power Generation Division, as most of the staff found out on Saturday that a decision by the CEO was made to request the Board for an emergency purchase of a new Generator. The basis of this decision was based on the fact that the Elementary School children cannot afford to be exposed to the fumes from ASPA's generator installed next to the school. According to Division Manager Ted Leiato, "the portable 85 kVA generator that was alternating with the standby generator near the school to operate during school hours, had a defective electronic part. The part cannot be found on island and had to be ordered through Hawthorne Machinery of Samoa. This would take a week at the minimum to arrive and get installed. Last Tuesday, January 2, our plan was to prepare the Portable generator for this week as the children would be going back to school. Unfortunately, when our technicians turned on the portable generator, it was not operating properly and so our engineers were dispatched to try and resolve the problem. Since Tuesday, we have been trying to work on this part. On Friday, our CEO was informed and she then immediately instructed us to look for any possible generator on island that would have a similar electronic part that we can use temporarily while we await the arrival of our ordered part."

When the CEO and the Division staff found that Hawthorne Machinery of Samoa was the only supplier of equipment on island that had a 125kVA generator and can be made available, the Board Officers were then informed of the emergency situation in Aunu'u. According to the CEO, "just the thought of the children going back to their first day of school and be exposed to the fumes, noise and smell was just too much of a burden to deal with. I want to thank the Board and especially the leadership at the Generation Division and staff for recognizing the importance of providing clean, safe and reliable power for the village of Aunu'u. Also, we all believe that the children attending the Aunu'u Elementary School are also our children and the thought of thinking about how they would be distracted from power that is not safe and environmentally friendly would adversely affect their focus in school."

According to the CEO, she is very proud of how each one of Power Generation staff worked according to their own skills and focused on specific parts of the engine which brought everything to work together as a complete part. ASPA is coordinating with Hawthorne the ordered electronic part of the Portable Generator. The new Generator replaces the Portable Generator that is down and will alternate with the standby generator at the school. During school hours, the new generator will be operating and after school, the standby generator will be turned back on.